

62/1617

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Application of : D. HOCHRAINER et al ) Art Unit: 1617  
Serial No. : 09/800,647 ) Examiner: SHARAREH, S. J.  
Confirmation No. : 7374  
Filed : March 7, 2001  
For : Two-part Capsule to Accept Pharmaceutical Preparations for  
Powder Inhalers  
Docket No. : 1/19c0-1-C1

October 30, 2002

Commissioner of Patents and Trademarks  
Washington, D.C. 20231

TECH CENTER 1600/2900

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R. TUCK  
#10  
11/9/02

**RESPONSE TO OFFICE ACTION**

Sir:

This is in response to a communication received from the Examiner in charge of the subject application, which communication was mailed on October 22, 2002.

In the communication mailed October 22<sup>nd</sup>, the Examiner claims a restriction requirement that was the subject of a communication mailed on June 27, 2002.

Applicants, through their attorney, hereby elect capsules made from polyethylene, as recited in claim 22. Such election is with traverse. The present invention is not the selection of material such as polyethylene but the recognition and selection of

materials having set characteristics, that is, hardness and steam permeability as well as an ability to shed or not retain powders. It is these characteristics that define the invention and not the materials that meet these parameters.

Respectfully submitted,



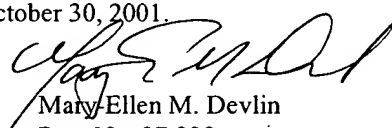
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I hereby certify that this correspondence is being deposited with the U.S. Postal Service as first class mail in an envelope addressed to:

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on October 30, 2001.



By: Mary-Ellen M. Devlin  
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